

## REMARKS

This Amendment is fully responsive to the final Office Action date December 10, 2008, issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Amendment. Claims 1-19 were all the claims pending in the present application. With this Amendment, claims 1, 3, 8, 10, 15 and 16 have been amended; and claims 4 and 11 have been canceled without prejudice or disclaimer to the subject matter therein. Accordingly, claims 1-3, 5-10 and 12-19 are now pending in the present application. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-4, 7-11, 14-16 and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hellhake (U.S. Patent No. 5,877,755, hereafter "Hellhake").

The Applicants have canceled claims 4 and 11 thereby rendering the above rejection to those claims moot. Additionally, the Applicants have amended independent claims 1, 8 and 15 to help further distinguish the present invention from the cited prior art. The Applicants assert that the cited prior art fails to disclose or suggest all the features recited in independent claims 1, 8 and 15, as amended. For example, claim 1 (as amended) recites the following features:

"[a] non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each service, the system comprising:

    a transmission means for sending out a control content, which implements the user interface, as a part or a whole of a content; and

    a reception means for receiving the sent control content and activating the received control content to execute the user interface,

wherein said transmission means includes:

    a content header addition means for adding, to the content, a content header which defines details of the content; and

    a content transmission means for sending out the control content and the content, both of which are in the same format." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in

independent claims 8 and 15 (as amended). Additionally, the features emphasized above are fully supported by the Applicants' disclosure (see e.g., ¶ [0149] and ¶ [0151]).

The present invention (as recited in independent claims 1, 8 and 15) is distinguishable over the cited prior art in that the system, method and device of the present invention adopt a configuration in which a control content and a content are in the same format (i.e., same data format). For example, "[t]he browser content body Dc (S1, Bflg) is obtained by generating browser B (S1), which is used for service Si, in the same format as that of the content body Dc, and can be represented by the body Dc (Sm, Bflg) in a manner similar to the service content body Dc (Sm, 0)" (see e.g., ¶ [0149]). Additionally, "the browser content body Dc (Sm, Bflg) is in the same data format as that of the service content body Dc (Sm, 0), therefore the content storage 113 cannot distinguish them and handles both of them as the content body Dc" (see e.g., ¶ [0151]). Such a configuration that sends the "content" and the "control content" in the same data format, and uses a header to identify the two is not disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on Hellhake for disclosing or suggesting all the features recited in independent claims 1, 8 and 15. However, the Applicants assert that Hellhake fails to disclose or suggest all the feature recited in independent claims 1, 8 and 15, as amended.

Hellhake discloses a method and apparatus for facilitating interactive television. Fig. 5 of Hellhake discloses in more detail the operation of facilitating a subscriber in participating in interactive television. However, Fig. 5 of Hellhake clearly shows that a "program application data file" (which corresponds to the claimed control content) and "content data files" (which corresponds to the claimed content) are clearly distinguished as two separate files. For example, Hellhake describes that "[t]he program application data file and the content data files are transmitted to the CPE via a broadcast signal" (see col. 5, line 66-col. 6, line 1). Therefore, Hellhake clearly fails to disclose or suggest a control content and a content are in the same format (i.e., same data format), as recited in independent claims 1, 8 and 15 (as amended).

Based on the above discussion, Hellhake fails to anticipate or render obvious the features of independent claims 1, 8 and 15 (as amended). Likewise, Hellhake fails to anticipate or render obvious the features of claims 2, 3, 7, 9, 10, 14, 16 and 19 at least by virtue of their respective

dependencies from independent claims 1, 8 and 15.

In the Office Action, claims 5, 6, 12, 13, 17 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake in view of Markandey (U.S. Patent No. 6,526,144, hereafter "Markandey").

Claims 5 and 6 depend from independent claim 1; claims 12 and 13 depend from independent claim 8; and claims 17 and 18 depend from independent claim 15. As noted above, Hellhake fails to disclose or suggest all the features of independent claims 1, 8 and 15 (as amended). Moreover, Markandey fails to overcome the deficiencies noted above in Hellhake. Accordingly, no combination of Hellhake and Markandey would result in, or otherwise render obvious, claims 5, 6, 12, 13, 17 and 18 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Mitsuteru KATAOKA

Mark D. Pratt  
By: \_\_\_\_\_  
2009.03.10 11:25:12 -04'00'

Mark D. Pratt  
Registration No. 45,794  
Attorney for Applicant

MDP/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 10, 2009